

**ROBINSON BROG LEINWAND GREENE  
GENOVESE & GLUCK P.C.**

875 Third Avenue

New York, New York 10022

Fred B. Ringel

Clement Yee

*Proposed Attorneys for the Debtor and  
Debtor in Possession*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

**286 RIDER AVE ACQUISITION LLC,**

Case No: 21-11298-lgb

Debtor.

-----X

**SECOND SUPPLEMENTAL DECLARATION OF FRED RINGEL**

**Fred Ringel** declares, under penalty of perjury:

1. I am a shareholder at Robinson Brog Leinwand Greene Genovese & Gluck P.C. ("Robinson Brog"). Robinson Brog maintains an office and principal place of business at 875 Third Avenue, New York, New York. I am admitted to practice in the State of New York and New Jersey.

2. I submit this second supplemental declaration in support of the *Debtor's Application for Authorization to Retain Counsel* ("Application") [ECF Doc No. 10] and the Declaration I submitted in support of the Application ("Decl.") [ECF Doc.10-2] as supplemented by the Supplemental Declaration I filed on July 29, 2021 [ECF Doc No. 11] (the "Supp. Decl."). The Declaration submitted in support of my firm's retention application sets forth in detail the conflict checking procedures

adopted by my firm [Decl. at ¶¶10-13] to allow it to make appropriate disclosures and determine if Robinson Brog has any conflicts of other relationships that might cause it to not be disinterested or to hold or represent an interest adverse to the Debtor. As Robinson Brog explained in its Supp. Decl., it does not yet have possession of the books and records of the Debtor and thus expects that it will have to file additional declarations as further information becomes available to it. This Second Supplemental Declaration (the “Sec. Supp. Decl.”) sets forth the specific disclosures that Robinson Brog can make based on currently available information.

3. Specifically, Robinson Brog has obtained from documents currently available to it and those obtained from the Debtor’s mortgagee and publicly available information, the names of individuals and entities that may be parties in interest in these chapter 11 cases (the “Potential Parties in Interest”) and such parties are listed on **Schedule 1** hereto. Robinson Brog has searched on its electronic database for its connections to the entities listed on **Schedule 1** hereto. In addition, after Robinson Brog sends a weekly (or sometimes more frequent) report of new matters firm wide. All Robinson Brog attorneys are responsible for reviewing the daily report of new matters and raising any potential concerns with respect to new representations. In addition, to the extent I have been able to ascertain, Robinson Brog has been retained within the last three years to represent any of the Potential Parties in Interest (or their affiliates, as the case may be) in matters unrelated to these cases, such facts are disclosed on **Schedule 2** attached hereto.

4. Robinson Brog and certain of its partners and associates may have in the past represented, may currently represent, and likely in the future will represent, entities that may be parties in interest in this chapter 11 case in connection with matters unrelated (except as otherwise disclosed herein) to the Debtor and this chapter 11 case. Robinson Brog has searched on its electronic database for its connection to the entities listed on **Schedule 1** attached hereto. The information listed on **Schedule 1** may have changed without during the pendency of this chapter 11 case. Accordingly, Robinson Brog will update this Declaration as necessary and when Robinson Brog becomes aware of additional material information. The following is a list of the categories that Robinson Brog has searched:<sup>1</sup>

<b>Schedule</b>	<b>Category</b>
1(a)	Debtor
1(b)	Non-Debtor Affiliates
1(c)	Former Member and Upstream Equity Holders
1(d)	Bankruptcy Judge and Chambers personnel
1(e)	Independent Manager
1(f)	Lenders/Banks
1(g)	Litigation Parties
1(h)	Contract Counterparties
1(i)	Insurance Carriers
1(j)	Taxing Authorities
1(k)	Top 20 Unsecured Creditors
1(l)	U.S. Trustee Personnel
1(m)	Utilities

5. To the best of my knowledge, (a) Robinson Brog is a “disinterested person” within the meaning of section 101(14) of the Bankruptcy Code, as required

---

<sup>1</sup> Robinson Brog’s inclusion of parties in the following Schedules is solely to illustrate Robinson Brog’s conflict search process and is not an admission that any party has a valid claim against the

by section 327(a) of the Bankruptcy Code, and does not hold or represent an interest adverse to the Debtor's estate and (b) Robinson Brog has no connection to the Debtor, its creditors, or other parties in interest, except as may be disclosed in this Sec. Supp. Decl.

6. Listed on **Schedule 2** to this Declaration are the results of Robinson Brog's conflicts searches of the above-listed entities. For the avoidance of doubt, Robinson Brog will not commence a cause of action in these chapter 11 cases against the entities listed on **Schedule 2** that are current clients of Robinson Brog (including entities listed below under the "Specific Disclosures" section of this Sec. Supp. Decl. that are current clients) unless Robinson Brog has an applicable waiver on file or first receives a waiver from such entity allowing Robinson Brog to commence such an action. To the extent that a waiver does not exist or is not obtained from such entity and it is necessary for the Debtors to commence an action against that entity, the Debtor will be represented in such particular matter by conflicts counsel.<sup>2</sup>

7. Based on the conflicts search conducted to date and described herein, to the best of my knowledge, neither I, Robinson Brog, nor any partner or associate thereof, insofar as I have been able to ascertain, have any connection with the Debtor, its creditors, or any other parties in interest their respective attorneys and accountants, the United States Trustee for the Southern District of New York (the

---

Debtor or that any party properly belongs in the schedules or has a claim or legal relationship to the Debtor of the nature described in the schedules.

<sup>2</sup> The Debtor has not yet sought to retain conflict counsel but will do so should the need arise in the future.

“U.S. Trustee”), any person employed by the U.S. Trustee, or any Bankruptcy Judge currently serving on the United States Bankruptcy Court for the Southern District of New York, except as disclosed or otherwise described herein.

8. Robinson Brog will review its files periodically during the pendency of these chapter 11 case to ensure that no conflicts or other disqualifying circumstances exist or arise. If any new relevant facts or relationships are discovered or arise, Robinson Brog will use reasonable efforts to identify such further developments and will promptly file a supplemental declaration, as required by Bankruptcy Rule 2014(a).

9. Generally, it is Robinson Brog’s policy to disclose entities in the capacity that they first appear in a conflicts search. For example, if an entity already has been disclosed in this Sec. Supp. Decl. in one capacity (*e.g.*, a customer), and the entity appears in subsequent conflicts search in a different capacity (*e.g.*, a vendor), Robinson Brog does not disclose the same entity again in subsequent supplemental declaration, unless the circumstances are such in the latter capacity that additional disclosure is required.

#### **Specific Disclosures**

10. Robinson Brog does not, as far as can be ascertained as of the date of this declaration, represent any of the Debtor’s creditors, equity security holders, or other entities that may be parties in interest in ongoing matters unrelated to the Debtor and this chapter 11 case.

11. As disclosed on **Schedule 2** attached hereto and as set forth in the Lar Dan affidavit submitted with Robinson Brog's retention Application, 286 Rider Ave Lender LLC is the Managing Member and 100% equity interest holder in the Debtor. 286 Rider Ave Lender paid Robinson Brog an advance payment retainer as disclosed in the Lar Dan declaration executed by Eyal Epstein on of 286 Rider Ave Lender's authorized representatives.

12. Robinson Brog does not currently represent, nor has it represented in the past, 286 Rider Ave Lender LLC or Eyal Epstein. 286 Rider Ave Lender has retained separate and independent counsel in connection with this case. 286 Rider Ave Lender is aware that Robinson Brog has a fiduciary duty to the Debtor and not to 286 Rider Ave Lender.

13. As set forth in the Supp. Decl. filed on July 29, 2021, Sheldon Eisenberg, an attorney who left Robinson Brog in August 2019 represented Toby Moskovits and Michael Lichtenstein, two potentially interested parties in two matters unrelated to this chapter 11 case. The first matter, *Toby Moskovits v. Spencer Equities II LLC and Joel Gluck* was discontinued by stipulation of the parties on October 26, 2015 and the other matter, *564 St. Johns Mezz DE LLC, 564 St. John's Acquisition LLC, Toby Moskovits and Yechiel Michael Lichtenstein v. Benefit Street Partners Realty Operating Partnership L.P.*, was discontinued by stipulation of the parties on August 22, 2018. The files Robinson Brog had maintained for these matters were returned to the former client in September 2019.

**Affirmative Statement of Disinterestedness**

14. Based on the conflicts search conducted to date and described herein, to the best of my knowledge and insofar as I have been able to ascertain, (a) Robinson Brog is a “disinterested person” within the meaning of section 101(14) of the Bankruptcy Code, as required by section 327(a) of the Bankruptcy Code, and does not hold or represent an interest adverse to the Debtor’s estate and (b) Robinson Brog has no connection to the Debtor, its creditors, or other parties in interest, except as may be disclosed herein.

I declare under penalty of perjury under the laws of the United States, under 28 USC § 1746, that the preceding is true and correct.

Dated: New York, New York  
August 3, 2021

/s/ Fred B. Ringel  
**Fred B. Ringel**

Schedules

**Schedule 1(a) – Debtor**

286 Rider Ave Acquisition LLC

**Schedule 1(b)- Non-Debtor Affiliates**

286 Rider Ave Lender LLC

**Schedule 1(c) -Former Member and Upstream Equity Holders**

286 Rider Ave Development LLC

Toby Moskovits

Northside Partners LLC

Yechial Michael Lichtenstein

Heritage 286 Rider Ave LLC

286 Rider Ave Holdings LLC

**Schedule 1(d) - Bankruptcy Judges and Judge Beckerman Chambers  
personnel**

Hon. Lisa G. Beckerman

Chantel Barrett

Shirin Mahkamova

Jennifer Schein

Cecelia Morris

Shelly Chapman

Robert Drain

James L. Garrity, Jr.

Martin Glenn

David Jones

Sean Lane

Michael Wiles

**Schedule 1(e) - Independent Manager**

Lee Buchwald

Buchwald Capital Advisors LLC

**Schedule 1(f) - Lenders/Banks**

Be-Aviv 286 Rider LLC



**Schedule 1(g) - Litigation Parties**

Toby Moskovits  
Yechial Michael Lichtenstein  
Heritage 286 Rider Ave LLC  
286 Rider Ave Holdings LLC  
Heritage 875 4th Avenue LLC  
Heritage 286 Rider Ave LLC  
875 4th Avenue Acquisition LLC  
Aviv Arava Management, LLC  
Be-Aviv 4th Avenue Mortgage Lender, LLC  
Be-Aviv 286 Rider LLC  
Be-Aviv 4th Avenue Lender LLC  
Ben Harlev  
Eyal Epstein  
286 Rider Associates LLC

**Schedule 1(h) - Contract Counterparties**

Awaiting Schedules

**Schedule 1(i) - Insurance Carriers**

Awaiting Schedules

**Schedule 1(j) - Taxing Authorities**

Internal Revenue Service  
New York State Department of Taxation and Finance  
City of New York Department of Finance

**Schedule 1(k) - Top 20 Unsecured Creditors**

Awaiting Schedules

**Schedule 1(l) - U.S. Trustee Personnel**

Linda A. Riffkin  
Victor Abriano  
Susan Arbeit  
Mark Bruh  
Maria Catapano  
Shara Cornell  
Benjamin J. Higgins

Nadkarni Joseph  
Brian S. Masumoto  
Ercilia A. Mendoza  
Mary V. Moroney  
Richard C. Morrissey  
Alaba Ogunleye  
Ilusion Rodriguez  
Andrea B. Schwartz  
Paul K. Schwartzberg  
Shannon Scott  
Sylvester Sharp  
Andy Velez-Rivera  
Madeleine Vescovacci  
Annie Wells  
Greg M. Zipes

**Schedule 1(m) - Utilities**

Awaiting Schedules

**Schedule 2**

<b>Name of Entity Searched</b>	<b>Name of Entity and/or Affiliate of Entity, that is a RB Client</b>	<b>Status</b>
Toby Moskovits	Toby Moskovits	Client of partner no longer with firm; file closed in 2019
Yechial Michael Lichtenstein	Yechial Michael Lichtenstein	Client of partner no longer with firm; file closed in 2019